

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: HEALTH SERVICES

DATE: FEBRUARY 28, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS SOKOL
CONOVER
FRASIER
TAYLOR
MCDEVITT

OTHERS PRESENT:

REPRESENTING WESTMOUNT HEALTH FACILITY:

LLOYD COTÉ, ADMINISTRATOR
BETSY HENKEL, COMPTROLLER

REPRESENTING THE DEPARTMENT OF PUBLIC HEALTH:

PAT AUER, DIRECTOR OF PUBLIC HEALTH/PATIENT SERVICES
SHARON SCHALDONE, ASSISTANT DIRECTOR OF HOME CARE DIVISION
GINELLE JONES, ASSISTANT DIRECTOR OF PUBLIC HEALTH DIVISION
TAWN DRISCOLL, FISCAL MANAGER

KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD

MARTIN AUFFREDOU, COUNTY ATTORNEY

JOAN SADY, CLERK OF THE BOARD

FRANK E. THOMAS, BUDGET OFFICER

SUPERVISORS BEATY

BROCK

DICKINSON

MERLINO

MONROE

SEEBER

SIMPSON

STROUGH

WESTCOTT

MICHAEL SWAN, COUNTY TREASURER

TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT

DON LEHMAN, *THE POST STAR*

CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Sokol called the meeting of the Health Services Committee to order at 10:15 a.m.

Motion was made by Mr. McDevitt, seconded by Mrs. Frasier and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Lloyd Coté, Administrator of Westmount Health Facility, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. Coté requested a contract with Mahoney Notify-Plus, Inc. to provide semi-annual testing and inspection of the fire, sprinkler and security alarm systems at Westmount Health Facility, for an amount not to exceed \$2,500 (\$1,500 for the contract and \$1,000 for emergency repairs as necessary), for a term commencing March 1, 2014 and terminating February 28, 2015 with the option to renew for a one year term provided there is no increase in the cost of the contract. He noted there was no increase in the cost of the contract from last year.

Motion was made by Mr. Taylor, seconded by Mr. McDevitt and carried unanimously to authorize the contract with Mahoney Notify-Plus, Inc. as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2014 Board Meeting.*

Betsy Henkel, Comptroller for Westmount Health Facility, presented a request for a transfer of funds between various accounts totaling \$19,794 to cover the cost of overtime and to correct budgeting errors. Mr. Conover inquired about the transfer in the amount of \$12,394 and Ms. Henkel explained this was to cover a per diem position which had been created last year but had been inadvertently budgeted incorrectly. Mr. Conover clarified the position was part of the Department's Table of Organization but was unfunded and Ms. Henkel replied affirmatively.

Motion was made by Mr. Conover, seconded by Mr. McDevitt and carried unanimously to approve the request for a transfer of funds as outlined above and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Mr. Coté requested a contract with High Peaks Hospice and Palliative Care, Inc. to provide hospice and palliative care upon request to the residents of Westmount Health Facility for a term commencing upon execution of the contract. He explained the Facility had not had a hospice contract in place for several years; however, he continued, changes in the Medicaid Program would go into effect on October 1, 2014 and the contracted insurance carriers would look at the scope of services offered by the Facility. He advised most of the area nursing homes had a contract with High Peaks Hospice and Palliative Care, Inc.

Motion was made by Mr. Conover and seconded by Mr. Taylor to authorize the contract with High Peaks Hospice and Palliative Care, Inc. as outlined above.

Mr. McDevitt asked if there were any comments from Martin Auffredou, County Attorney, pertaining to this contract. Mr. Auffredou said the contract would be reviewed prior to execution; however, he noted, the County had contracted with this provider in the past and he did not anticipate any issues. Mr. Sokol asked if a bid process was required and Mr. Coté replied hospice care was determined by location and High Peaks Hospice and Palliative Care, Inc. was the only provider for this area.

Mr. Sokol called the question and the motion was carried unanimously to authorize the contract with High Peaks Hospice and Palliative Care, Inc. as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2014 Board Meeting.*

Pertaining to the staffing levels, Mr. Coté reported four vacant part-time Aide positions on the 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. shifts; and one vacant full time Aide position on the 11:00 p.m. to 7:00 a.m. shift. He noted the hardest shift to staff was the 3:00 p.m. to 11:00 p.m. shift. He commented there was one employee out on Disability who was anticipated to return to work; one employee out on Worker's Compensation; and one employee on Family Medical Leave. Mr. Coté apprised the Facility was having an issue with employees calling in sick and he noted there had been 140 call ins in the last two months. A brief discussion ensued.

Pertaining to the Overtime Report, Mr. Conover inquired about the part-time salaries which seemed to be excessive for the first quarter of the year. Ms. Henkel explained that at the end of 2013, the Facility had created 10 part-time positions and deleted 5 full time positions. She advised the salaries appeared to be off but should balance out by the end of the year.

Mr. McDevitt asked about the current census of the Facility versus past occupancy levels and how this would relate to the revenue generating ability of the Facility. Mr. Coté stated the current census was 74 residents which was low since this meant there were 6 empty beds. He commented there

were empty beds in nursing facilities throughout the County. He opined the fact that Westmount Health Facility was for sale could impact the census. He commented the nursing home industry was competitive and continued by saying hospital patients requiring transfer to a nursing facility would likely be contacted by four or five facilities with offers. He acknowledged the census of the Facility drove the revenue for the Facility. A brief discussion ensued.

Mr. Coté apprised the Facility had undergone their Annual New York State Department of Health (NYSDOH) Survey in December. He reported there had been no deficiencies pertaining to building features and five areas for improvement had been pointed out. He advised the Survey had been forwarded to the County Administrator and the Chairman of the Board of Supervisors.

Pertaining to Managed Long Term Care, Mr. Coté stated the compliance date had been extended to October 1, 2014. He said the topic was complex and he noted he had already attended two seminars pertaining to Managed Long Term Care. He explained the Facility would need to negotiate with companies that wanted to provide this service to Medicaid eligible patients. He further explained that Medicaid residents who were already residing at Westmount Health Facility would not be required to sign up for Managed Long Term Care, as they would continue to be on a fee-for-service basis. Mr. Coté stated any new residents after October 1, 2014 would be required to apply for Medicaid and could select any of the available insurance carriers contracted by Westmount Health Facility. He advised that for the first three years, the insurance carriers would be prohibited from offering rates below the Facility's fee-for-service rates.

Mr. Coté advised he was at a disadvantage for hiring LPN's (Licensed Practical Nurses) because the Facility only had full time and per diem LPN positions available. He said per diem employees did not have set hours or a guaranteed amount of hours. He informed his intentions to discuss the possibility of creating some part-time LPN positions with Paul Dusek, County Administrator, upon his return from vacation. Mr. Coté apprised the Facility had hired two per diem LPN's last week and both had already resigned in order to accept part-time positions at other facilities. He stated the creation of part-time LPN positions would not increase the salaries budget although he acknowledged the cost of benefits would be a variable.

Mr. McDevitt asked about the difference between per diem and part-time LPN positions and Mr. Coté replied the part-time positions would qualify for pro-rated sick, personal and leave time. Mr. Conover stated he would support the development of a flex type employment program for part-time and per diem LPN positions at Westmount Health Facility as long as the cost did not exceed the funds budgeted in 2014 for per diem LPN's. A brief discussion ensued.

Chairman Geraghty entered the meeting at 10:35 a.m.

Motion was made by Mr. Conover, seconded by Mr. McDevitt and carried unanimously to authorize the Administrator of Westmount Health Facility to develop a plan to create part-time LPN positions to be presented at the March 12, 2014 Personnel Committee Meeting, contingent upon the utilization of funds budgeted in 2014 for per diem LPN's and with the approval of the County Administrator.

Mr. Thomas inquired about the anticipated time frame for receipt of the IGT (Intergovernmental Transfers) funds and Ms. Henkel replied they were hoping to receive the funding by June. Mr. Westcott asked if an official notice had been received indicating the funds would be disbursed in June and Ms. Henkel replied the anticipated disbursement time frame had been verified by McCarthy & Conlon. Ms. Henkel said \$1.4 million was anticipated which was approximately the amount received

last year. Mr. Conover noted the County had advanced \$3.8 million to Westmount Health Facility and the \$1.4 million would just cover the amount advanced this year. He asked when the next payment would be received after the one anticipated for June and Ms. Henkel replied another year later. Mr. Conover asked if there was a formula to determine the amount of IGT funding and Ms. Henkel replied there was a pool of \$300 million and the formula was based on the number of Medicaid days for all County homes. Mr. McDevitt asked what time period was covered by the \$1.4 million anticipated for receipt in June and Ms. Henkel replied it was for 2012 and the monies should have been received in 2013.

Mr. Auffredou informed it would be necessary for the Committee to enter into a brief executive session to discuss a pending collection matter and the employment history of a particular unnamed employee.

Prior to the executive session, privilege of the floor was extended to Travis Whitehead, Town of Queensbury Resident, who advised the Annual Siemens Industry, Inc. Performance Assurance Report for Westmount Health Facility was typically available in July and presented at the August Health Services Committee meeting. He noted the report was now six months behind schedule and asked when the presentation of the report was anticipated. Mr. Auffredou responded the Year 8 Siemens Industry, Inc. Performance Assurance Report for Westmount Health Facility had been received but had not yet been reviewed by the Committee. He said he anticipated the Committee to review the report in March. Mr. Whitehead referred to the EnerNoc Part One Report which had been distributed in December and he said Mr. Dusek had indicated there would be an understandable explanation of the numbers. He asked when that explanation was expected and Mr. Auffredou replied Mr. Dusek would return next week and although he could not give a specific date, he assured Mr. Whitehead that Mr. Dusek intended to review the report. Mr. Whitehead stated he had reviewed the Report and although it was difficult to comprehend, it seemed EnerNoc agreed that Westmount Health Facility was losing money on a daily basis with regards to the Cogeneration. He apprised anyone interested in purchasing Westmount Health Facility would want to understand the information from the reports. Mr. Whitehead commented the EnerNoc Part Two Report had been in the possession of the County for the last three weeks and he asked when this report would be reviewed. Mr. Auffredou replied the report would be reviewed in the near future but he could not give a specific date. Mr. Whitehead asked how these delays spoke towards the issue of transparency and Mr. Auffredou stated he had no concerns about the issue of transparency or any actions that he had taken. He said they remained committed to doing what was best for the County and had done so throughout the course of this procedure. Mr. Sokol apprised that he understood Mr. Whitehead's frustration and he asked for his patience. Mr. Whitehead reiterated that his question was why it seemed to be taking so long for the Year 8 Report when it had been promptly acted on in August every other year. He thanked the Committee members for their time.

Motion was made by Mr. Taylor, seconded by Mr. Conover and carried unanimously that executive session be declared pursuant to Section 105 (d) and (f) of the Public Officers Law.

Executive session was held from 10:46 a.m. to 11:06 a.m.

The Committee reconvened.

Pursuant to the executive session, motion was made by Mr. McDevitt, seconded by Mrs. Frasier and carried unanimously to resolve a collection matter for an unspecified former resident of Westmount Health Facility in the total amount of \$46,110 which represented the full payment due, upon terms

outlined and discussed by the County Attorney, subject to final approval by the Board of Supervisors. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2014 Board Meeting.*

This concluded the Westmount Health Facility portion of the Committee meeting and the Health Services portion of the meeting commenced at 11:07 a.m.

Privilege of the floor was extended to Pat Auer, Director of Public Health/Patient Services, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Ms. Auer requested to amend the 2014 County Budget to increase estimated revenues and appropriations in the amount of \$1,432 to reflect the receipt of COLA (cost of living adjustment) funds for the Rabies Grant.

Motion was made by Mr. McDevitt, seconded by Mr. Taylor and carried unanimously to approve the request to amend the 2014 County Budget as outlined above and to forward same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Ms. Auer requested a transfer of funds in the amount of \$8,000 from Health Services-Full Time Salaries to Health Services-Part Time Salaries in order to cover the salaries of per diem Nurses utilized due to a vacant Nursing position.

Motion was made by Mr. McDevitt, seconded by Mrs. Frasier and carried unanimously to approve the request for a transfer of funds as outlined above and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Ms. Auer requested to ratify the actions of the Chairman of the Board of Supervisors in signing a recertification agreement with TRICARE North Region. She advised the recertification agreement received seemed to be more of a contractual agreement and she therefore requested the County Attorney to review it. She said the County Attorney had agreed and had suggested the Chairman sign the document in order to meet the specified time frame without any interruption in the receipt of payments for claims.

Motion was made by Mr. Taylor, seconded by Mr. Conover and carried unanimously to ratify the actions of the Chairman of the Board of Supervisors in signing a recertification agreement with TRICARE North Region as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2014 Board Meeting.*

Ms. Auer informed that a recent NYS DOH Survey had included the review of several contracts in which the following wording would need to be included:

- "Notwithstanding any other provision in this contract the Agency remains responsible for:*
- i. ensuring that any services provided pursuant to this contract complies with all pertinent provisions of Federal, State and local statutes, rules and regulations;*
 - ii. planning, coordination, and ensuring the quality of all services provided; and*
 - iii. ensuring adherence to the plan of care established for patients."*

Ms. Auer requested to amend the contracts in question in order to include the wording. She advised that she would attempt to include the wording in all new contracts going forward.

Motion was made by Mr. Conover, seconded by Mrs. Frasier and carried unanimously to amend several current contracts to include the wording as outlined above as requested during the recent NYS DOH Survey. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the March 21, 2014 Board Meeting.*

Ms. Auer requested authorization for WIC (Women, Infants and Children) Program staff members to attend the New York State Annual WIC Conference in Saratoga Springs on April 7-9, 2014 at a cost of \$350 per person, for a total of \$2,800 for eight employees. She noted that meals were included in the cost of registration which would be covered by the WIC Grant. She noted they were fortunate that the Conference would be held in Saratoga Springs and overnight stays would not be required.

Motion was made by Mr. Taylor, seconded by Mr. Conover and carried unanimously to authorize attendance at the Conference as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes.*

Ms. Auer requested authorization for two Registered Nurses (RN's) to attend the Home Care Association of New York State, Blueprint for OASIS Accuracy, Transition to OASIS-C1 Training in Mount Kisco, New York on April 8-9, 2014 at a total cost not to exceed \$2,500. She explained the cost of the training was \$685 per person and there was an additional fee of \$250 per person for the certification exam. She added two overnight stays would be required at a cost of \$129 per night and meals, gas and tolls would be reimbursed to the employees upon the submission of receipts. She noted the necessary funds were available within the Departmental Budget. Sharon Schaldone, Assistant Director of the Home Care Division, explained the training was directly tied to the OASIS Data which was required for every patient. She said it was standard in the business to have people who were certified in this type of training.

Motion was made by Mr. Conover, seconded by Mrs. Frasier and carried unanimously to authorize attendance at the Training as outlined above. *A copy of the Authorization to Attend Meeting or Convention form is on file with the minutes. (Subsequent to the meeting it was determined that the correct dates for the Home Care Association of New York State, Blueprint for OASIS Accuracy, Transition to OASIS-C1 Training were April 7-9, 2014.)*

Pertaining to the pending item concerning continued reports on Certificates of Need for new Certified Home Health Agencies (CHHA's), Ms. Auer stated Attachment #5 reflected a comparison of referrals for 2013 versus 2014. She noted there had not been any real impact to the amount of business thus far. She commented the numbers were slightly lower for January of 2014 compared to January of 2013 due to a decrease in the hospital census. Ms. Schaldone stated the hospital liaison was working hard on garnering referrals from the hospital. She noted the CHHA was in good standing with the community as far as referral sources.

Ms. Auer stated the Department had submitted their Plan of Correction as a result of the recent NYS DOH Survey. She said there had been no deficiencies in patient care. She pointed out a Monthly Report on Emergency Response and Preparedness Activities was included in the agenda packet.

Pertaining to the Report on Revenues and Expenditures, Tawn Driscoll, Fiscal Manager, said Attachment #2 reflected the current report for 2014. She advised there was not much activity on the revenues yet and expenses were at the level anticipated for this time of year. She stated the report did not include a recent check which was received. Concerning the Payroll Comparison, Ms. Driscoll said the year to date comparison of 2013 versus 2014 reflected a decrease of \$8,626.15.

She explained the vacant Nursing position previously mentioned attributed to a decrease in regular and overtime salaries and an increase in part-time salaries. She added a part-time employee had recently retired and that was also reflected in the part-time salaries total.

Attachment #3, Ms. Driscoll said, reflected a comparison of 2012 totals versus 2013 totals. She commented the 2013 books remained open and the report reflected the status as of February 28, 2014. She noted there was a typo on the Attachment in the explanation of revenues at the bottom of the sheet which stated \$800,000 was anticipated from Preschool which should have been \$500,000. Ms. Driscoll stated the bottom line impact for 2013 was anticipated to be less than the amount budgeted. She commented that Attachment #4 reflected a year to date comparison of 2013 versus 2014.

As there was no further business to come before the Health Services Committee, on motion made by Mrs. Frasier and seconded by Mr. McDevitt, Mr. Sokol adjourned the meeting at 11:15 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist